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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

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11   TERION COLLINS,   Case No.: 1:23-cv-00483 CDB (PC)

12   Plaintiff,   **ORDER TO SHOW CAUSE WHY ACTION**
                                              SHOULD NOT BE DISMISSED FOR
13   v.   **FAILURE TO OBEY LOCAL RULES**

14   HEATHER SHIRLEY, et al.,   **14-DAY DEADLINE TO RESPOND**

15   Defendants.

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17   Plaintiff Terion Collins is proceeding pro se and *in forma pauperis* in this civil rights

18   action pursuant to 42 U.S.C. § 1983.

19   **I.   RELEVANT BACKGROUND**

20   The Court issued its Discovery and Scheduling Order on January 11, 2024. (Doc. 35.)

21   On June 5, 2024, Defendants filed their Motion to Compel, concerning Plaintiff's failure

22   to respond to Defendants' interrogatories, set one. (Doc. 36.)

23   Although more than 21 days have elapsed since Defendants filed their motion, Plaintiff

24   has failed respond in any way.

25   **II.   DISCUSSION**

26   The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide,

27   "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may

28   be grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule

1   or within the inherent power of the Court." Local Rule 110. "District courts have inherent power

2   to control their dockets" and, in exercising that power, may impose sanctions, including dismissal

3   of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

4   A court may dismiss an action based on a party's failure to prosecute an action, obey a court

5   order, or comply with local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

6   1992) (dismissal for failure to comply with a court order to amend a complaint); *Malone v. U.S.*

7   *Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for failure to comply with a court

8   order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to

9   prosecute and to comply with local rules).

10   Local Rule 230(*l*) concerns motions in prisoner actions. It provides that an "[o]pposition,

11   if any, to the granting of [a] motion shall be served and filed by the responding party not more

12   than twenty-one (21) days after the date of service of the motion. A responding party who has no

13   opposition to the granting of the motion shall serve and file a statement to that effect …." Local

14   Rule 230(*l*).

15   Here, Defendants filed and served their motion to compel on June 5, 2024. (Doc. 36.) The

16   motion argues Plaintiff has failed to respond to Defendants' interrogatories and seeks an order

17   compelling Plaintiff to provide responses. (*Id*.) Pursuant to Local Rule 230(*l*), Plaintiff is required

18   to file either an opposition or statement of non-opposition to Defendants' motion within 21 days

19   of the date of service of the motion. More than 21 days have now passed, yet Plaintiff has failed

20   to file either an opposition to Defendants' motion to compel, or a statement of non-opposition to

21   that motion. Therefore, Plaintiff has failed to comply with this Court's Local Rules. *See Ferdik*,

22   963 F.2d at 1260-61; *Henderson*, 779 F.2d at 1424.

23   **III.   CONCLUSION AND ORDER**

24   Accordingly, the Court **ORDERS** Plaintiff to show cause in writing, **within 14 days** of

25   the date of service of this order, why this action should not be dismissed for his failure to comply

26   with the Court's Local Rules. Alternatively, within that same time, Plaintiff may file an

27   opposition, or statement of non-opposition, to Defendants' pending motion to compel.

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1   **Any failure by Plaintiff to timely comply with this Order to Show Cause (OSC) will**

2   **result in the imposition of sanctions, including dismissal of this action.**

3   IT IS SO ORDERED.

4   Dated: **July 2, 2024**   _____

5   UNITED STATES MAGISTRATE JUDGE

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